

NO. 24908

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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WOJCIECH SZYMANSKI, Plaintiff-Appellant

vs.

LESLIE C. MAHARAJ, Defendant-Appellee

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 1RC01-5341)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that we do not have appellate jurisdiction over Plaintiff-Appellant Wojciech Szymanski's (Appellant Szymanski) appeal from the December 6, 2001 oral ruling in favor of Defendant-Appellee Maharaj (Maharaj) and against Appellant Szymanski. "The right to an appeal is strictly statutory." State v. Ontiveros, 82 Hawai'i 446, 449, 923 P.2d 388, 391 (1996) (citation omitted). HRS § 641-1(a) (1993) authorizes appeals in civil matters from final judgments, orders, or decrees of district courts, subject to Rule 4(a)(1) of the Hawai'i Rules of Appellate Procedure (HRAP), which provides that "[w]hen a civil appeal is permitted by law, the notice of appeal shall be filed within 30 days after entry of the judgment or appealable order." HRAP Rule 4(a)(5) clarifies that "[a] judgment or order is entered when it is filed in the office of the clerk of the court." The district court has not filed a written order or judgment reflecting its December 6, 2001 oral

ruling, and, thus, Appellant Szymanski's appeal is premature and we lack appellate jurisdiction. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, April 29, 2002.